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UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

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GRANDY SANDERS,

Case No. 2:21-cv-00478-KJD-NJK

6

Plaintiff

ORDER

7

v.

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CLARK COUNTY DETENTION CENTER,
et al.,

9

Defendants

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I. DISCUSSION

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On March 24, 2021 Plaintiff, an inmate in the custody of the Clark County Detention Center (“CCDC”), submitted a civil rights complaint under 42 U.S.C. § 1983. Docket No. 1-1. Plaintiff has neither paid the full \$402 filing fee for this matter nor filed an application to proceed *in forma pauperis*.

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Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

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- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and
- (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**. If Plaintiff has not been at the facility a full six-month period, Plaintiff must still submit an inmate account statement for the dates he has been present at the facility.

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The Court will grant Plaintiff a **one-time** opportunity to file a fully complete application

1 to proceed *in forma pauperis* containing all three of the required documents, or in the alternative,
2 pay the full \$402 filing fee for this action on or before **May 25, 2021**. Absent unusual
3 circumstances, the Court will not grant any further extensions of time.

4 If Plaintiff is unable to file a fully complete application to proceed *in forma pauperis* with
5 all three required documents or pay the full \$402 filing fee on or before **May 25, 2021**, this case
6 will be subject to dismissal without prejudice for Plaintiff to file a new case with the Court when
7 Plaintiff is either able to acquire all three of the documents needed to file a fully complete
8 application to proceed *in forma pauperis* or pays the full \$402 filing fee.

9 A dismissal without prejudice means Plaintiff does not give up the right to refile the case
10 with the Court, under a new case number, when Plaintiff has all three documents needed to submit
11 with an application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file
12 an application to proceed *in forma pauperis* and instead pay the full filing fee of \$402 on or before
13 **May 25, 2021** to proceed with this case.

14 The Court will retain Plaintiff's civil rights complaint, Docket No. 1-1, but the Court will
15 not file the complaint unless and until Plaintiff timely files a fully complete application to proceed
16 *in forma pauperis* with all three documents or pays the full \$402 filing fee.

17 **II. CONCLUSION**

18 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send Plaintiff
19 the approved form application to proceed *in forma pauperis* by an inmate, as well as the document
20 entitled information and instructions for filing an *in forma pauperis* application.

21 IT IS FURTHER ORDERED that on or before **May 25, 2021**, Plaintiff will either pay the
22 full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52 administrative
23 fee) or file with the Court:

24 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's
25 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page
26 3),
27 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
28 (i.e. page 4 of this Court's approved form), and

1 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**
2 **six-month period.** If Plaintiff has not been at the facility a full six-month period, Plaintiff
3 must still submit an inmate account statement for the dates he has been present at the
4 facility.

5 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to
6 proceed *in forma pauperis* with all three documents or pay the full \$402 filing fee for a civil action
7 on or before **May 25, 2021**, this case will be subject to dismissal without prejudice for Plaintiff to
8 refile the case with the Court, under a new case number, when Plaintiff has all three documents
9 needed to file a complete application to proceed *in forma pauperis* or pays the full \$402 filing fee.

10 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint, Docket
11 No. 1-1, but will not file it at this time.

12 DATED: March 26, 2021.

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14 NANCY J. KOPPE
15 UNITED STATES MAGISTRATE JUDGE

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